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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,346	12/03/2001	Harry A. Glorikian	32052-8065US2	4095
25096	7590	02/22/2010	EXAMINER	
PERKINS COIE LLP			BHATIA, AJAY M	
PATENT-SEA				
P.O. BOX 1247			ART UNIT	
SEATTLE, WA 98111-1247			PAPER NUMBER	
			2445	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com  
skempe@perkinscoie.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/006,346	<b>Applicant(s)</b> GLORIKIAN, HARRY A.	
	<b>Examiner</b> AJAY BHATIA	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-37 and 51-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-37 and 51-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/17/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

In light of applicants amendments to the claims examiner has provided a new grounds of rejection provided below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31-37, 51-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (United States Patent 6,353,398).

For claim 31, Amin teaches, a mobile computing device, comprising:

a communication component configured to transmit first Internet data over a wireless connection to a server computing device storing position-related information and to receive second Internet data over the wireless connection from the server computing device; (Amin, Col. 2 lines 54-67, locating user and transmitting information to and from the user, Internet, Col. 4 lines 29-50, receiving request)

wherein the first Internet data includes information the server computing device can use to determine a geographical position of the mobile computing device and select

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based on geographical position; (Amin, Col. 4 lines 29-50, find establishment within square blocks)

and an information reporting component configured to report the received selected data to the user. (Amin, Col. 4 lines 29-50, delivered)

For claim 32, Amin teaches, the mobile computing device of claim 31 wherein the position-determining component includes a GPS receiver configured to indicate a position of the GPS receiver on the Earth's surface, and the first Internet data further includes a rate of change of position or a direction of change of position of the mobile computing device. (Amin, Col. 3 lines 48-65, movement)

For claim 33, Amin teaches, the mobile computing device of claim 31 wherein the second Internet data includes site-to-site data in relation to dynamic position of the mobile computing device. (Amin, Col. 3 lines 4-32. particular region at a particular point in time)

For claim 34, Amin teaches, the mobile computing device of claim 31 wherein the communication component is further configured to receive over the wireless connection pushed real-time data in relation to the geographical position of the mobile computing device. (Amin, Col. 1 lines 45-60, barging sale at the same point in time)

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For claim 35, Amin teaches, the mobile computing device of claim 31 wherein the information reporting component is further configured to report the received selected data audibly. (Amin, Col. 3 lines 6-32, audio)

For claim 36, Amin teaches, the mobile computing device of claim 31 wherein the information reporting component is further configured to report the received selected data visually. (Amin, Col. 4-32, visual)

For claim 37, Amin teaches, the mobile computing device of claim 31 wherein the user selection of the type of information relates to businesses or services. (Amin, Col. 1 lines 45-60, sale)

Claim(s) 50-68 are directed to the same invention as described in claim(s) 31-37.

Therefore, the supporting rationale of the rejection to claim(s) 31-37 applies equally as well to claim(s) 50-68.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests to 571-273-3906.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ajay Bhatia/

Examiner, Art Unit 2445